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HARYANA HUMAN RIGHTS COMMISSION (PROCEDURE) REGULATIONS , 2012

Notification

The 24th October, 2016

No. 1.— In exercise of the powers conferred by Sub-section (2) of Section 10 of the Protection of Human Rights Act, 1993 (Central Act 10 of 1994), the Haryana Human Rights Commission hereby makes the following regulations for efficient discharge of functions and procedure for hearing and investigation of the complaints, namely:—

CHAPTER-1

Preliminary

Short title and commencement:- 1.

- (1) These regulations may be called the Haryana Human Rights Commission (Procedure) Regulations, 2014.
- (2) These shall be deemed to have come into force with effect from the 1st January, 2013.

Definitions:- 2.

- (1) In these regulations, unless the context otherwise requires;
 - (a) “Act” means the Protection of Human Rights Act, 1993 (Central Act 43 of 2006);
 - (b) “Code” means the Code of Civil Procedure, 1908, as amended from time to time;
 - (c) “State Commission” means the Haryana Human Rights Commission;
 - (d) “complaint” means all petitions/communications received in the State Commission from a victim or any other person on his behalf, in person, by post, by telegram, by fax, or by any other means whatsoever, alleging violation of abetment thereof or negligence in the prevention of such violation, by a public servant, of all or any of the human rights defined in clause Section 2 of the Act;
 - (e) “Division” means and includes Administration Division, Law Division, Investigation Division and Research Division and such other Divisions in the Commission as may be constituted by the State Commission;
 - (f) “Division Bench” means a Bench consisting of two Members of the State Commission as constituted by the Chairperson;
 - (g) “Full Bench” means a Bench consisting of three Members of the Commission as constituted by the Chairperson;
 - (h) “Full Commission” means a Bench of all the Members as on the day when the proceedings are taken by the Bench for consideration;
 - (i) “Registrar” means Registrar of the State Commission;
 - (j) “regulations” means the regulations framed by the State Commission under the Act;

- (k) "Secretary" means Secretary of the State Commission;
- (l) "Single Bench" means Bench consisting of one Member of the State Commission as constituted by the Chairperson;

(2) Words and expressions not defined in these regulations but defined in the Act, shall have the same meaning as assigned to them therein.

Headquarters of the State Commission:- 3.

The Headquarters of the State Commission shall be located at Chandigarh.

Transitory Provision:- 4.

All complaints and matters pending as on the date of publication of these regulations in the official Gazette upto the stage of listing for preliminary consideration shall be governed by the procedure as adopted prior to the commencement of these regulations. In regard to complaints and matters pending at other stages as on the date of publication of these regulations in the official Gazette, these regulations shall be followed, as far as possible.

Chapter-II
Meetings

Venue of the Meetings:- 5.

The State Commission shall ordinarily hold the meetings in its office located at Chandigarh. However, it may, in its discretion, hold its meetings at any other place, if it considers it necessary and expedient.

Periodicity of meetings:- 6.

The State Commission shall normally have its regular sittings on the judicial side at least twice a week and the meetings on the administrative and other issues shall be held in the first and third week of each month. However, the Chairperson by himself or at the instance of one or more Members may hold a special meeting to consider any urgent issue. Such meetings shall be held within one week of the issue being brought to the notice of the Chairperson.

Secretariat Assistance:- 7.

The Secretary, along with such other officers of the State Commission, as may be directed or considered by the Chairperson, shall attend the meetings of the State Commission.

Agenda:- 8.

The Secretary shall, in consultation with the Chairperson, prepare the agenda for each meeting of the State Commission and shall cause notes thereon to be prepared by the Secretariat. Such notes shall, as far as possible, be self contained. Specific files covering the agenda items shall be made readily available to the State Commission for reference. The agenda papers shall ordinarily be circulated to the Members at least two clear days in advance of every meeting:

Provided that when the Chairperson is of the view that the option of the Members on any issue/item is required urgently, such approval can be obtained from the Members of the Commission by way of circulation. In that exigency, the agenda item need not be circulated to the Members.

Minutes of the meeting:- 9.

(a) The minutes of each meeting of the State Commission shall be recorded during the meeting itself or immediately, thereafter by the Secretary or by any other officer as directed by the Chairperson of the State Commission. Such minutes shall be submitted to the Chairperson for the approval and upon approval, be circulated to all the Members of the State Commission at the earliest and in any case, sufficiently before the commencement of the next meeting.

(b) The conclusions of the Commission in every matter undertaken by it shall be recorded in the form of an option. Dissenting opinions, if given, shall also form part of and be kept on record. Action shall be taken on the basis of the majority opinion where there be any difference.

(3) A master copy of the minutes of every meeting and decisions of the State Commission shall be maintained in a proceeding book, duly authenticated by the Secretary, and a copy of the minutes pertaining to each item shall be added to the relevant file for appropriate action, and authenticated copies thereof shall be kept in the respective Division and for convenience, copies thereof with appropriate indexing shall be kept in guard files.

Report of action taken:-10.

Report of follow up action shall be submitted to the State Commission at every subsequent sitting indicating therein the present stage of action on each item on which the State Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for.

CHAPTER – III
PROCEDURE FOR DEALING WITH COMPLAINTS/SUO MOTU ACTION

Complaints:- 12.

- (a) Complaints may be made to the State Commission in Hindi or English. However, the State Commission may entertain complaints in any other language.
- (b) No fee shall be chargeable on such complaints.
- (c) The complaint shall disclose a complete picture of the matter leading to the complaint.
- (d) The State Commission may seek further information/affidavit from the complainant as may be considered necessary.

Complaints not ordinarily entertainable:- 13.

The State Commission may dismiss in limine complaints of the following nature:

- (i) illegible;
- (ii) vague, anonymous, pseudonymous or unsigned;
- (iii) trivial or frivolous;
- (iv) barred under Section 36 (2) of the Act;
- (v) In which allegation is not against any public servant of the State Government;
- (vi) In which the issue raised relates to civil dispute, such as property rights, contractual obligation and the like;
- (vii) wherein the issue raised relates to labour/industrial disputes;
- (viii) allegations do not make out any specific violation of human rights;
- (ix) matter is covered by a judicial verdict/decision of the Commission;
- (x) the matter is outside the purview of the Commission on any other ground.

Receipt and distribution of dak:- 14.

- (a) All communications in writing (by whatsoever mode they are received) addressed to the State Commission, its Chairperson, Members or other officers of the State Commission, either by name or designation, shall be received at the Receipt Counter of the State Commission.
- (b) The Communication addressed by name to the Chairperson or a Member shall be delivered to the addressee forthwith, by the Receipt Section.
- (c) The dak shall be opened under the direct supervision of the officer in-charge of the Receipt and Despatch Section, who shall get the same sorted out diarised in a register containing particulars such as, date of receipt, diary number, sender's name and district and transmitted under acknowledgement to Law Division and to the respective heads of other Divisions.

Procedure regarding institution, registration and fixation of complaints:- 15.

The complaints received shall be placed forthwith before the officer in-charge of the Law Division who shall ensure that all complaints shall be placed before the State Commission expeditiously. The Complaints shall thereafter be entered in the Computer System and a complaint receipt number shall be allotted to the same.

The complaints shall be put up before the State Commission with utmost expedition and shall be examined in the first instance by a Single Bench and appropriate procedural orders shall be issued by the Single Bench. After taking cognizance, the complaints pertaining to the cases of custodial death, custodial torture, custodial rape and illegal detention shall ordinarily be heard by a Division Bench of the Commission and the rest of the cases shall be dealt with by the Single Bench to which the complaints are allotted by the Registry. The Hon'ble Single Bench/Division Bench may pursue the matter, but in case the Hon'ble Single Bench/Division Bench is prima facie of the view that some recommendations ought to be made by the Commission to the State Government or to the authorities then that Bench shall refer the matter to the Chairperson for constitution of a larger Bench for final consideration of the matter.

Procedure regarding *suo motu* action:- 16.

- (i) The procedure contained in this chapter shall mutatis mutandis apply to cases wherein *suo motu* action is taken by the State Commission.
- (ii) *Suo motu* cognizance shall be taken by the Full Commission. However, Member/Members can always make a separate reference to the Chairperson asking him that the matter be placed before the Full

Commission or Full Bench for Scrutiny/Examination/ Cognizance. On receipt of such reference, the Chairperson shall place the matter before the larger Bench.

Registration:- 17.

- (a) A common register shall be maintained in the Law Division for entering in serial order the case number with district Code and year of registration, the corresponding diary number and the distinct to which the incident relates in respect of each complaint ordered to be registered. The complaint number assigned to the complaint alongwith District Code shall be entered in red ink on the top right-hand corner of the complaint.
- (b) All complaints newly registered shall be placed before the Commission for preliminary consideration as expeditiously as possible but not later than seven days from the date of its receipt. Provided that complaints which require urgent consideration shall be placed before the Commission, as far as possible, within twenty-four hours of their receipt.
- (c) File covers shall be got printed as in Form No.1. Records relating to each complaint shall be kept in a separate file cover arranging them chronologically in the following order:-
 - (i) Index in Form No. II,
 - (ii) Order sheet in Form No.III.
 - (iii) Complaint with annexure, if any.

Constitution of Bench (s) and placing of case files:- 18.

- (a) The case files in respect of cases shown in the cause list of the day shall be placed at least a day in advance before the Benches to be constituted by the Chairperson, along with a copy of the cause list.
- (b) The number of cases to be included in the cause list to be placed before each Bench(s) per day shall be fixed according to the directions that may be given by the Chairperson, from time to time. If any working day is declared a holiday by State, then the cases listed for that day shall be taken up on the next working day.
- (c) When the case is referred to Full Bench (larger Bench) of three Members or Full Commission, the registry shall get prepared the requisite number of copies of the relevant papers for the use of all Members of the Bench.

Preliminary consideration, issue of notice, etc.: 19.

- (a) If on consideration of the complaint, the State Commission dismisses the complaint in limine, the said order shall be communicated to the complainant in Form No. IV and the case shall be treated as closed.
- (b) If on consideration of the complaint or suo motu the State Commission admits/takes cognizance and directs issue of notice to any authority calling upon it to furnish information/report, a notice in Form No. V shall be issued, enclosing a copy of the complaint thereto. Such notice shall be signed by the Registrar or any other officer so authorized by the Chairperson of the State Commission.
- (c) If no time is fixed by the Commission for the return of notice/furnishing of information/report, the time shall be thirty days from the date of service of the notice. If, however, the Commission issues any other direction or order, action shall forthwith be taken accordingly.
- (d) If the report/information is not received from the concerned authority within the given time, or received late or not complete in all respects, the case shall be placed before the Commission for further directions.
- (e) In case of the non compliance of the notice issued by the Commission as prescribed in form V, a Notice in the Form of Summon/Bailable Warrants in Form VI, VII and VIII shall be issued.
- (f) Intimation of the order referred to in clauses (b) and (c) shall be given to the complainant.
- (g) The State Commission may ask the parties to tender evidence on affidavits. The State Commission may further orally examine the person whose evidence has been tendered on affidavit, if it so considers necessary by itself or on the request of the parties.

Recording of orders/proceedings:- 20.

- (a) Ordinarily orders of the State Commission shall be recorded in the order sheet, provided that the orders which are lengthy shall be recorded on separate sheets and appended to the order sheet. The Private Secretary/ Personal Assistant attached to the Member concerned shall make entry in the relevant column of the order sheet mentioning the page numbers and the date of the order. The order shall then be fed into the computer.
- (b) In cases where urgent action is required to be taken pursuant to the order/proceedings issued by the State Commission, the Private Secretary/Personal Assistant concerned shall forthwith send the file to the Registrar/Joint Registrar who shall give suitable instructions in regard to the mode of communication by

telephone/fax/speed post/ telegram etc. and transmit the records to the concerned division for taking further action.

- (c) On receipt of the information/report called for, a detailed note in the form of a synopsis shall be prepared by the registry in Form VII whereupon the case shall be treated as ready for being placed before the Commission for final disposal.
- (d) When the Commission, upon consideration of the information/report finally disposes of the case without any recommendation, the case shall be treated as closed.

Summons:- 21.

- (a) Whenever the Commission directs to summon:-
 - (i) the complainant or any other person on his behalf to afford him personal hearing;
 - (ii) any other person who, in the opinion of the Commission, should be heard for appropriate disposal of the matter before it;
 - (iii) any person to cause production of records required by the Commission;
 - (iv) any person to be examined as witness;
 - (v) any person whose conduct is inquired into by it;
 - (vi) any person whose reputation, in the opinion of the Commission, is likely to be prejudicially affected; a summon indicating the purpose of summoning such person shall be issued as per the procedure laid down in the Code of Civil Procedure, 1908:
- (b) The case in which summons has been issued for personal appearance of a person, shall be placed before the Commission on the date shown in the summons for such personal appearance.

Calling for investigation report:- 22.

- (a) Whenever the Commission orders investigation to be undertaken by its Investigation Division or by any other investigating agency of the State Government as provided in section 14 of the Act, a copy of such order along with copies of the papers relevant thereto shall be furnished forthwith to such Division calling upon it to conduct the investigation and submit its report within the time specified in the order and if no time is specified, within four weeks from the date of the order.
- (b) If no such report is received within the time given, the matter shall be placed before the Commission forthwith for further directions.

Investigation team:- 23.

The Commission shall have its own team of investigation to be headed by a person not below the rank of an Inspector General of Police and such team of officers, as the Commission from time to time decides. The Commission may, in any given cases, appoint an appropriate number of outsiders to be associated with the investigation either as Investigators or Observers.

Incorporation of other documents received:- 24.

- (a) Whenever any document is received in the State Commission relating to the complaint registered, the same shall be incorporated in the chronological order in the concerned case file, duly Paginated by the Judicial Branch. Appropriate entries shall be made in the order sheet. The Judicial Branch shall make entries in the index.
- (b) Date relating to each case as required to be provided in the register in Form No. IX and also information relating to intermediary stages shall be fed into the computer at every stage, as and when, the information becomes available.

Steps after calling for comments:- 25.

- (a) If no comments are received within the time allowed, the case shall be placed before the State Commission forthwith for further direction.
- (b) If comments are received, the case shall be placed by the Law Division before the State Commission with a brief note obtaining the following information regarding:-
 - (i) acceptance of the recommendation in full or in part;
 - (ii) the action, if any taken or proposed to be taken by the concerned government/authority;
 - (iii) the reason, if any, given for not accepting the recommendation; and
 - (iv) the action that may be taken pursuant to the comments received;
- (c) On consideration of the comments received and the note referred to in Clause.

(d) the State Commission may pass such order as it deems proper.

Communication of recommendations:- 26.

When the State Commission, upon consideration of the inquiry report, makes any recommendation (s), a copy of the inquiry report, along with a copy of the recommendation (s), shall be sent with utmost expedition, not later than seven days from the date of such recommendation, to the concerned authority calling upon it to furnish its comments on the report including the action taken or proposed to be taken, within a period of one month from the receipt of order/recommendation(s) made by the Commission or such time, as the Commission may allow.

Recommendations of the Commission:- 27.

Every effort shall be made by the Chairperson/Members of the Commission to arrive at a conclusion by consensus, for making recommendations under section 18 of the Act. It is, however, provided that the opinion of the majority Members shall be considered as recommendations of the Commission and the opinion of the minority Member/Members shall, however, form part of the record. If the opinion of the Chairperson and Members is equal, both the opinions shall be forwarded to the State Government for appropriate action.

Authentication of orders and decision:- 28.

1. Orders and decisions of the State Commission shall be authenticated by the Secretary or any other officer of the State Commission (authorized by the Chairperson) not below the rank of an Under Secretary.
2. Copies of enquiry reports or orders passed finally disposing of matter by the State Commission shall be furnished free of cost to the petitioner or his representative.
3. Unless any document is classified by the State Commission as confidential, copy thereof shall be available to the parties in the matter on demand and on payment of fee, as prescribed by the State Commission, unless the State Commission decides otherwise. Even effort should be made to provide the copies with utmost expedition and in any case, not later than one week of the date of request.
4. The Commission on demand may supply the attested copy of the final order/any other documents to an applicant who applies in this regard to the Commission as per rules framed under the Right of Information Act, 2005.

Publication:- 29.

When the State Commission passes order after inquiry under Section 18 of the Act, the Registrar shall cause to:---

- (a) prepare at the close of the each month a list of such cases, furnishing particulars such as case number, name of the complainant, name of the government/authority concerned and the date of the final order. A note shall be put below the list to the effect that copy of the inquiry report etc. referred to in sub-section (f) of section 18 is available for perusal in Library of the Commission;
- (b) publish the list so prepared on the Notice Board of the State Commission the first working day of the second week of every month;
- (c) make available simultaneously to the Library of the State Commission two sets of the documents referred to in Sub-section (f) of Section 18 and further order, if any, passed by the State Commission in each case;
- (d) send simultaneously free of cost a copy each of the documents referred to in clause (c) to the complainant or his representation.

Review:- 30.

No party shall have a right to seek review of the order/proceedings of the Commission.

However, if any application seeking modification/review of the order or proceedings passed by the State Commission is received, the same shall as far as possible be placed before the same Bench which made the order, along with the case file and a brief note on the points made out in such application and the same shall be disposed of by such order as may be deemed proper.

CHAPTER – IV

Reports

Preparation of statements:- 31.

The Registrar shall cause to prepare such weekly, monthly, quarterly, half-yearly or yearly statements/returns/reports in such form(s) as may be prescribed by the State Commission from time to time.

Annual Report:- 32.

The State Commission shall furnish its annual report for the period commencing from 1st April of the year to 31st March of the succeeding year to the State Government as provided in section 28 (1) of the Act. The original

report shall be signed by the Chairperson and Members of the State Commission and appropriately preserved and a duly authenticated copy shall be sent to the Government by end of May of every year.

Special Reports:- 33.

The State Commission may furnish such special reports on specific matters as may be considered necessary in terms of section (1) of reaction 20 of the Act.

Printing of the Reports:- 34.

The Secretariat of the State Commission shall be responsible for the printing of the Annual report and Special Reports with utmost expedition and in any case not later than one month of finalization of the same.

CHAPTER – V

Miscellaneous

Residuary powers:- 35.

As and when any matter which is not covered by these regulations arises, it shall be competent for the Commission to make appropriate directions and the Commission may add, delete, amplify and amend these regulations from time to time.

Mode of Communication:- 36.

Unless otherwise directed, all communications from the State Commission shall be sent by ordinary post.

Consignment of records:- 37.

Records of all cases finally disposed of shall be transmitted to the Record Section in the Law Division after making entries in the manner, as the Commission may deem proper from time to time.

Period of retention of record:- 38.

Unless otherwise ordered by special or general orders of the Chairperson, the entire records of disposed of complaints shall be destroyed after the expiry of a period of two years from the date of final disposal. However, the register in Form No. IX which contains detailed information regarding each complaint registered district-wise shall be retained permanently.

Destruction of records:- 39.

- (a) The officer incharge of the Record Section shall identify the cases, the records of which are ripe for destruction and ensure that appropriate entries are made in the register in Form No. X and XI regarding the date of destruction. A list of such cases shall be maintained in a separate book in the record section.
- (b) Original documents produced by a party shall be returned to it if a request thereof is received in the State Commission before the due date of destruction.
- (c) Destruction of the records shall be undertaken in the month of July every year.
- (d) The office, incharge of Records Section shall cause to destroy the records subject to such general or special order/direction as may be given by the Registrar regarding the manner of destruction.

FORM NO – I*(See Regulation 17 (c))***HARYANA HUMAN RIGHTS COMMISSION****(LAW DIVISION)**

Case No. _____ Classification:

No. of connected cases, SECTION

If any:

Name of Complainant: _____

SINGLE BENCH

DIVISION BENCH

FULL BENCH

District: _____

Scrutiny Report: Form No. 1

FORM NO.2

Date and Nature of Disposal

Other Information, if any:

FORM - II

{See Regulation 17 (c) (i)}

HARYANA HUMAN RIGHTS COMMISSION**(LAW DIVISION)****INDEX**

Case ._____

Name of the Complainant _____

Description of the document	Date of document	Date of receipt	Page

FORM – III*{See Regulation 17 (c) (ii)}***HARYANA HUMAN RIGHTS COMMISSION****(LAW DIVISION)****ORDER SHEET**

Case . _____

Name of the Complainant: _____

Record of the steps taken

Order/Proceedings of the

(to be entered by the office)

Commission _____

Date Step (s) taken

FORM - IV*(See Regulation 19 (a))*

Case . _____

HARYANA HUMAN RIGHTS COMMISSION**Nirman Sadan, Sector-33-A, Chandigarh.****(LAW DIVISION)**

Dated _____

To

Sir/Madam,

your complaint dated _____

Regarding _____

Your complaint referred to above has been registered as Case _____ and the Commission, upon consideration of your complaint has passed the following order:

“ _____

_____ ”

Yours faithfully,

FORM – V

(See Regulation 19 (b))

Case . _____

HARYANA HUMAN RIGHTS COMMISSION

Nirman Sadan, Sector-33-A, Chandigarh

(LAW DIVISION)

Case . _____

Section _____

NOTICE

To

(Name/Designation and complete address of the authority to whom notice is directed to be issued).

WHEREAS the complaint received from (name and address of the complainant) was placed before the Commission on _____

AND WHEREAS upon perusing the complaint the Commission has passed the following order:

(here reproduce the order/direction)

OR

FORM – VI

{See Regulation 19 (ee)}

HARYANA HUMAN RIGHTS COMMISSION**Complaint. _____****SUMMONS**

To

WHEREAS in the aforesaid matter the Commission vide proceedings dated _____ had directed you to submit the report and the said directions were conveyed to you on _____ (copy enclosed).**AND WHEREAS** the aforesaid report has not been received in the Commission despite directions/notice.**AND WHEREAS** the Commission further considered the matter on _____ when it directed that summons be issued requiring you to comply with the directions already conveyed to you (copy enclosed).**NOW THEREFORE**, you are hereby ordered that in case you fail to comply with the order of the Commission without lawful excuse, you shall be subjected to the consequences of non- attendance as provided in Rules 10 and 12 of Order XVI of the Code of Civil Procedure, 1908.**Next date of hearing the matter is _____****GIVEN UNDER MY HAND AND SEAL OF THE COMMISSION** this day the _____.**BY ORDER****REGISTRAR**

FORM – VII

{See Regulation 19 (ee)}

HARYANA HUMAN RIGHTS COMMISSION

Complaint . _____

SUMMONS

To

WHEREAS in the aforesaid matter the Commission vide proceedings dated _____ had directed you to submit the report and the said directions were conveyed to you on _____ (copy enclosed).

AND WHEREAS the aforesaid report has not been received in the Commission despite directions/notice.

AND WHEREAS the Commission further considered the matter on _____ when it directed that summons be issued requiring you to comply with the directions already conveyed to you (copy enclosed).

NOW THEREFORE, you are hereby summoned to appear in person before the Commission along with the reports (i.e. _____) on _____ at 11 A.M. in its office at Haryana Human Rights Commission, Nirman Sadan, Sector 33 A, Chandigarh. However, your personal appearance before the Commission shall stand dispensed with, if the reports are received by the Commission on or before _____.

TAKE FURTHER NOTICE THAT in case you fail to comply with the order of the Commission without lawful excuse, you will be subjected to the consequences of non- attendance as provided in Rules 10 and 12 of Order XVI of the Code of Civil Procedure, 1908.

Next date of hearing the matter is _____

GIVEN UNDER MY HAND AND SEAL OF THE COMMISSION this day the _____.

BY ORDER**REGISTRAR**

FORM – VIII

{See Regulation 19 (ee)}

HARYANA HUMAN RIGHTS COMMISSION**Complaint No. _____****BAILABLE WARRANTS**

To

WHEREAS the Commission *vide* proceedings dated _____ had directed _____ to remain personally present on _____ alongwith the reports.

In response, _____ has not appeared before the Commission and submitted the reports on behalf of _____ Government of Haryana.

The Commission further considered the matter on _____ and passed the following order (copy enclosed).

You are hereby directed to get the Bailable Warrants executed and cause him to be produced before the Commission on _____ at 11 A.M.

If the said _____, shall furnish bail bonds in the sum of Rs. 10,000/- with one surety in the like amount to appear before the Commission on _____ at _____, he may be released.

Next date of hearing the matter is _____.

GIVES UNDER MY HAND AND SEAL OF THE COMMISSION, this _____ day the _____.

Yours sincerely

REGISTRAR